



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,506	12/22/2000	Linus Wiebe	0460/63919	9785

2292 7590 11/26/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,506

Applicant(s)

WIEBE ET AL.

Examiner

Leonid Shapiro

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,31-40,50 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,31-40,50 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2673

Election/Restrictions

1. Claims 22-30 and 41-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 10.

Specification

2. All abbreviations, as for example on page 56 and 57 (ICR and SMS) need to be decipher.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-21, 31-40, 50 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

All independent claims 1, 12, 31, 37 and 50 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention: “imaginary position surface being imaginary in the system in as much as it is never present in its entirety on any base”. The disclosure fails to teach one skilled in the art meaning “imaginary position surface being imaginary in the system in as much

Art Unit: 2673

as it is never present in its entirety on any base". Details of implementation of "imaginary position surface" are not in the specification. It is not clear where the "imaginary position surface" is located? In the memory of processing circuit or is it part of the CPU of information management system? Without this disclosure, one skilled in the art cannot practice the invention because of uncertainty above mention subject matter.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the present instance, claim 1 recites the broad recitation " imaginary position surface being imaginary in the system in as much as it is never present in its entirety on any base". It is not clear what " imaginary position surface being imaginary in the system" means. In claim 1 there is no physical or functional relationship between imaginary position surface in respect to the base and processing circuitry.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2673

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-12, 15-21, 31-32, 37-40 and 50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht (US Patent No. 6,594,406 B1).

As to claim 1, as best understood by examiner, Hecht teaches a global information management system, comprising: at least one base (See Fig. 1, items 21-25, in description See Col. 4, Lines 23-47); a position-coding pattern which codes absolute coordinates of a total set of positions, wherein one or more subsets of position coding pattern provided on base (See Figs. 2-8, items X, Y, Z, in description See Col. 4, Lines 48-54); an imaginary position surface (glyph address carpet in Hecht reference), which includes the total set of positions coded by the position-coded pattern (See Figs. 9, 15 and 42, items 85-91, 105-11, 117, 4210, 4212, 4214, 4216, in description See Col. 9, Lines 18-42 and Col. 26, Lines 50-60); wherein at least two unique regions are arbitrarily definable on the imaginary surface, each of which dedicated to a predetermined information management (See Fig. 42, items 3246, 3240, 3236, 3244, in description See Col. 26, Lines 50-60); processing circuitry which carries out management of information recorded from base and represented by the absolute coordinates of at least one-position coded by subset, in dependence upon a region affiliation of at least one position (See Figs. 17, 34, items 1722, 1716, 1718, 1732, 3410, 3412, 3414, in description See Col. 10, Lines 49-56 and Col. 20, Lines 43-54).

Hecht does not show imaginary position surface being imaginary in the system in as much as position-coding pattern is never present in its entirety on any base.

Art Unit: 2673

Hecht teaches that contiguous and/or non-contiguous non-overlapping fragments A1...An of address space A may be written on different substrates (base) (See Fig. 9, items A, 51-53, in description See from Col. 7, Line 62 to Col. 8, Line 10).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the imaginary position surface with memory space of Hecht apparatus in order to indicate that memory space of Hecht will be sufficient to manage information on multiple bases (substrates).

As to claim 12, as best understood by examiner, Hecht teaches an information management system, comprising: at least one base (See Fig. 1, items 21-25, in description See Col. 4, Lines 23-47); an imaginary position surface (glyph address carpet in Hecht reference), which includes the total set of absolute positions (See Figs. 9, 15 and 42, items 85-91, 105-11, 117, 4210, 4212, 4214, 4216, in description See Col. 9, Lines 18-42 and Col. 26, Lines 50-60); wherein one or more subsets of imaginary position surface provided on base (See Fig. 42, items 3246, 3244, in description See Col. 26, Lines 50-60); wherein at least two regions are arbitrarily definable on the imaginary position surface, each of which dedicated to predetermined management of digitally represented information, which is associated with at least one absolute position on imaginary position surface, so that the management of information is carried out dependent upon the region affiliation of at least one absolute position associated with information (See Figs. 1 and 42, items 25, 3246, 3240, 3236, 3244, in description See Col. 26, Lines 50-60).

Hecht does not show imaginary position surface being imaginary in the system in as much as it is never present in its entirety on any base.

Art Unit: 2673

Hecht teaches that contiguous and/or non-contiguous non-overlapping fragments A1...An of address space A may be written on different substrates (base) (See Fig. 9, items A, 51-53, in description See from Col. 7, Line 62 to Col. 8, Line 10).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the imaginary position surface with memory space of Hecht apparatus in order to indicate that memory space of Hecht will be sufficient to manage information on multiple bases (substrates).

As to claim 31, as best understood by examiner, Hecht teaches a method of management of information which is represented by absolute coordinates and which is recorded from a base provided with one or more subsets of position-coding pattern (See Figs. 2-8, items X, Y, Z, in description See Col. 4, Lines 48-54), comprising: defining at least two unique regions on an imaginary position surface (glyph address carpet in Hecht reference), which includes all the positions whose absolute coordinates a position-coding pattern has the capacity to code (See Figs. 9, 15 and 42, items 85-91, 105-11, 117, 4210, 4212, 4214, 4216, in description See Col. 9, Lines 18-42 and Col. 26, Lines 50-60); dedicating each of regions to predetermined information management (See Fig. 42, items 3246, 3244, in description See Col. 26, Lines 50-60); managing information which is represented by the absolute coordinates of at least one position on the imaginary position surface dependent upon the region affiliation of at least one position (See Fig. 42, items 3246, 3240, 3236, 3244, in description See Col. 26, Lines 50-60).

Hecht does not show imaginary position surface being imaginary in the system in as much as it is never present in its entirety on any base.

Art Unit: 2673

Hecht teaches that contiguous and/or non-contiguous non-overlapping fragments A1...An of address space A may be written on different substrates (base) (See Fig. 9, items A, 51-53, in description See from Col. 7, Line 62 to Col. 8, Line 10).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the imaginary position surface with memory space of Hecht method in order to indicate that memory space of Hecht will be sufficient to manage information on multiple bases (substrates).

As to claim 37, as best understood by examiner, Hecht teaches a method of management of digitally represented information which is associated with at least one absolute position on an imaginary position surface and which is recorded from a base provided with one or more subsets of imaginary position surface (See Figs. 9, 15 and 42, items 85-91, 105-11, 117, 4210, 4212, 4214, 4216, in description See Col. 9, Lines 18-42 and Col. 26, Lines 50-60); method comprising: determining whether at least one absolute position, which is associated with information (glyph address carpet in Hecht reference), is situated within one of regions (See Figs. 9, 15 and 42, items 85-91, 105-11, 117, 4210, 4212, 4214, 4216, in description See Col. 9, Lines 18-42 and Col. 26, Lines 50-60); managing information in a predetermined way dependent upon which region at least one absolute position belongs (See Fig. 42, items 3246, 3240, 3236, 3244, in description See Col. 26, Lines 50-60 and Col. 20, Lines 43-54).

Hecht does not show imaginary position surface being imaginary in the system in as much as it is never present in its entirety on any base.

Art Unit: 2673

Hecht teaches that contiguous and/or non-contiguous non-overlapping fragments A1...An of address space A may be written on different substrates (base) (See Fig. 9, items A, 51-53, in description See from Col. 7, Line 62 to Col. 8, Line 10).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the imaginary position surface with memory space of Hecht method in order to indicate that memory space of Hecht will be sufficient to manage information on multiple bases (substrates).

As to claim 50, as best understood by examiner, Hecht teaches a method of using a position-coding pattern for control of management of information, comprising: providing a product with at least one subset of the position-coding pattern (See Figs. 2-8, items X, Y, Z, in description See Col. 4, Lines 48-54); dividing an imaginary position surface into regions, including a large number of positions (See Figs. 9, 15 and 42, items 85-91, 105-11, 117, 4210, 4212, 4214, 4216, in description See Col. 9, Lines 18-42 and Col. 26, Lines 50-60); and associating each region with the rule for how the information which contains coordinate for at least one position within this region is to be managed (See Figs. 9, 15 and 42, items 85-91, 105-11, 117, 4210, 4212, 4214, 4216, in description See Col. 9, Lines 18-42, Col. 26, Lines 50-60 and Col. 22, lines 59-63).

Hecht does not show imaginary position surface being imaginary in the system in as much as it is never present in its entirety on any base.

Hecht teaches that contiguous and/or non-contiguous non-overlapping fragments A1...An of address space A may be written on different substrates (base) (See Fig. 9, items A, 51-53, in description See from Col. 7, Line 62 to Col. 8, Line 10).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the imaginary position surface with memory space of Hecht method in order to indicate that memory space of Hecht will be sufficient to manage information on multiple bases (substrates).

As to claims 5-6, as best understood by examiner, Hecht does not teach at least one command region and at least one message recording region, which is dedicated to digital recording of a sequence of positions on imaginary position surface, positions forming message information.

Hecht teaches that computer can be programmed to respond to individual or combination graphic entity selections to perform corresponding functions performable by computer (See Figs. 17, item 1712, in description See Col. 17, Lines 57-62 and Col. 22, Lines 59-63).

It would have been obvious to one of ordinary skill in the art at the time of invention that computer can be programmed to respond to individual or combination graphic entity selections to perform corresponding functions performable by computer in Hecht apparatus including command and message recording region in order to utilize multi-level image capture and context identification (See from Col. 2, Line 66 to Col. 2, Line 1).

As to claims 7-8, 15-16 as best understood by examiner, Hecht teaches to store information about division of the imaginary position surface into regions and about owner of at least one of regions (See Figs. 17, 34, 42, items 1716, 3214, 3218, in description See Col. 21, Lines 50-60).

As to claims 9-10, 17-19 as best understood by examiner, Hecht teaches at least one user unit to record absolute coordinates from base, which represent graphical information which was

Art Unit: 2673

written using the user unit (See Figs. 1-3, 34, items 25, 3410, 3418, in description See Col. 20, Lines 43-54).

As to claims 11, 21 as best understood by examiner, Hecht teaches the imaginary position surface is capable of being arbitrary subdivided, with respect to the shape or/or size of regions (see Figs. 15 and 42, items 4212, 3214, in description see Col. 26, Lines 50-60).

As to claim 20, as best understood by examiner, Hecht teaches marks which are arranged with a displacement from their nominal position (See fig. 1, items 21-25, in description See Col. 4, Lines 39-41).

As to claim 32, as best understood by examiner, Hecht teaches giving a party the sole right to use a part of position-coding pattern, part coding at least one position on the imaginary surface (See Figs. 17, 34, 42, items 1716, 3214, 3218, in description See Col. 21, Lines 50-60).

As to claims 38-40, as best understood by examiner, Hecht teaches to determine the absolute position of the hand-held device during movement with information comprises graph of the movement and character interpretation (See Fig. 34, items 3414, in description See Col. 20, Lines 45-55 and Col. 21, Lines 15-35).

As to claim 52, as best understood by examiner, Hecht teaches the imaginary position surface consists of all the positions which the position-coding pattern has the capacity to code (See Fig. 15, items 88, 108, in description see Col. 9, Lines 18-42).

7. Claims 2, 33 are rejected as best understood by examiner under 35 U.S.C. 103(a) as being unpatentable over Hecht as aforementioned in claims 1, 31 in view of Shiigi (US Patent No. 6,304,898 B1).

Art Unit: 2673

Hecht does not show imaginary position surface forming message information.

Shiigi teaches handwritten message information on graphical capture area set up by the drawing editor (See Fig. 1B, item 211, in description See Col. 4, lines 43-54).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the imaginary position surface with graphical capture area space as shown by Shiigi in Hecht apparatus in order to utilize multi-level image capture and context identification (See from Col. 2, Line 66 to Col. 2, Line 1).

8. Claims 3-4, 13-14, 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht as aforementioned in claims 1, 12, 31 in view of Morgan (US Patent No. 5,428,805).

As to claims 3, 13, 34-36 as best understood by examiner, Hecht does not show imaginary position surface, so that detection of the absolute coordinates for position within command region results in initiation of operation.

Morgan teaches undo and train commands in the title area (See Fig. 3, item 12, in description See Col. 19, lines 50-54).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate the imaginary position surface the absolute coordinates for position within command region results in initiation of operation by Morgan in Hecht apparatus in order to utilize multi-level image capture and context identification (See from Col. 2, Line 66 to Col. 2, Line 1).

As to claim 4, 14 as best understood by examiner, Hecht does not teach one of the operations to store information, to send information and to convert information.

Hecht teaches that any command that open a file associated with icon located by coordinates and that any operation can be performed by association with coordinates or range of coordinates (See Figs. 17, item 1712, in description See Col. 17, Lines 57-62 and Col. 22, Lines 59-63).

It would have been obvious to one of ordinary skill in the art at the time of invention to associate any command that open a file associated with icon located by coordinates and that any operation can be performed by association with coordinates or range of coordinates in Hecht apparatus including store, convert and send commands in order to utilize multi-level image capture and context identification (See from Col. 2, Line 66 to Col. 2, Line 1).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The Morishita et al. (US Patent No. 6,335,727 B1) reference discloses information input device, position information holding device...

The Flores et al. (US Patent No. 6,310,988 B1) reference discloses methods and apparatus for camera pen.

The Jared et al. (US Patent No. 6,208,771 B1) reference discloses methods and apparatus for robust decoding of glyph address carpet.

The Hecht et al. (US Patent No. 6,327,395 B1) reference discloses glyph address carper methods and apparatus for providing location information in a multidimensional address space.

Art Unit: 2673

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

ls

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a long horizontal flourish extending to the right.

**VIJAY SHANKAR
PRIMARY EXAMINER**